



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
EMERGENCY RESPONSE BRANCH
9311 GROH ROAD, ROOM 216
GROSSE ILE, MI 48138-1697

0000007

EPA Region 5 Records Ctr.



208046

SEP 19 1997

REPLY TO ATTENTION OF:

MEMORANDUM

SUBJECT: ACTION MEMORANDUM - Request for Approval to Initiate a Removal Action and to Obtain an Exemption to the \$2 Million Statutory Limit for the Durako Paint Site, Detroit, Wayne County, Michigan (Site ID #B510)

FROM: David L. Anderson, On-Scene Coordinator
Emergency Response Branch - Section 1 *DR*
9-8-97

TO: David A. Ullrich
Acting Regional Administrator

THRU: William E. Munro, Director
Superfund Division *WEM*

I. PURPOSE

The purpose of this memorandum is to request and document your approval to expend up to \$2,889,120 to abate an imminent and substantial threat to public health and the environment posed by the presence of hazardous wastes and substances at the Durako Paint site, Detroit, Wayne County, Michigan. Due to the projected costs at the site, an exemption to the \$2 million statutory limit is also being requested.

The response action proposed herein will mitigate threats to public health, welfare, and the environment posed by the presence of uncontrolled hazardous wastes and substances located in drums, aboveground storage tanks, small containers, and on the ground at the site. Proposed removal actions include complete assessment of the chemical hazards at the site, stabilization of the hazardous wastes and substances, and off-site disposal of the hazardous wastes and substances. The deteriorated condition of the abandoned drums containing hazardous wastes and substances, the presence of hazardous substances on the ground, the unrestricted access to the property, and the site's proximity to residential areas requires that this removal be classified as time critical. The project will require an estimated 120 on-site working days to complete.

This site is not on the National Priorities List.

II. SITE CONDITIONS AND BACKGROUND

CERCLIS ID #MID005326673

The Durako Paint site consists of two locations, an abandoned 40,000-square-foot building located at 6315 East Seven Mile Road and an 80-foot x 160-foot lot located at 19200 Filer Street in Detroit, Michigan 48234 (Latitude 42 degrees 26 minutes 1.7 seconds North, Longitude 83 degrees 2 minutes 19.8 seconds West). Both locations contain abandoned drums of paint related materials, aboveground storage tanks, and potentially contaminated process equipment. Both locations are bordered on all sides by commercial or light industrial properties. The nearest residence is located between the two site locations, approximately 100 feet north of the 6315 East Seven Mile location and approximately 200 feet southwest of the lot at 19200 Filer Street. Playgrounds and schools are present within one city block of the site. The area surrounding the site also meets Environmental Justice criteria employed by the United States Environmental Protection Agency (U.S. EPA) due to population demographics for ethnic origin and household income. Approximately 22,000 people live within a 1-mile radius of the site. The building is located at the corner of Seven Mile Road and Mount Elliot Street, both of which are heavily traveled city streets.

The building is unsecured with open entrances that are accessible to pedestrians or children. The building is in poor condition with a deteriorating roof that allows precipitation to enter freely. The site was operated by Robert Weed, but the property is now abandoned and on May 2, 1995, was tax-reverted to the State of Michigan. File information provided by the Michigan Department of Environmental Quality (MDEQ) indicates that Mr. Weed received two warning letters in 1993 citing numerous Resource Conservation and Recovery Act (RCRA) violations for improper storage and poor housekeeping.

There are approximately 3,000 drums, 13 steel aboveground storage tanks (ranging from 3,000 to 5,000 gallons), approximately 15 smaller poly tanks (ranging from 1 cubic yard to 2,000 gallons), approximately fifty 30-gallon poly drums, and over 500 smaller containers (ranging from 1 quart to 5 gallons) that hold a variety of suspected hazardous substances located throughout the building and in the open lot. Many of the drums are full or partially full and the contents range from liquid to solidified paints and sludges. A site investigation revealed that drum

contents consist of paints, solvents, and phosphoric acid. Some of the containers are highly corroded, several are leaking, and there are spill areas in the building and on the outdoor loading areas. One such spill area is adjacent to a storm sewer opening.

On July 9, 1997, the MDEQ contacted the U.S. EPA, Emergency Response Branch (ERB), to request U.S. EPA's assistance with the site. On August 11, 1997, a site assessment was conducted and samples were collected. Rainwater was observed to enter through the roof and pass through the building allowing potential contaminants to migrate from the property. A total of ten samples was collected from tanks, drums, and spilled materials at the site. Of these samples, six tested positive for the characteristic hazard of ignitability and one for corrosivity; the remaining two samples contain elevated levels of metals.

III. THREATS TO PUBLIC HEALTH OR THE ENVIRONMENT, AND STATUTORY AND REGULATORY AUTHORITIES

The conditions at the Durako Paint site constitute a threat to public health and welfare or the environment based upon the considerations set forth in the National Contingency Plan (NCP), 40 CFR Section 300.415 (b) (2) which include, but are not limited to, the following:

- a) **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;**

Hazardous wastes, as defined in 40 CFR 261.22(a)(1) and 261.21(a)(1), by virtue of corrosivity (pH <2) and ignitability (flash point <140 degrees Fahrenheit), have been identified in tanks and drums at the site. These hazardous wastes are primarily paint related materials exhibiting a low flash point, contain heavy metals (cadmium, chromium, and lead) and solvents such as acetone, methyl ethyl ketone, ethyl benzene, toluene and xylenes. The Durako Paint site is not adequately secured; fencing and locked gates will deter foot traffic at the site; however, trespassers may still gain access to the property. There is a residence within 100 feet and a playground and school within one city block of the facility. The proximity of a large urban area, a residential area, public roads, and businesses increase the potential for unauthorized access by the public and the likelihood that persons may come in contact with hazardous wastes and substances at the site. The roof of the building is deteriorating and some of the doors are completely unsecured. These conditions may allow direct access to the interior of the facility for any trespassers and domestic or feral animals that

might enter the building. The potential exists that any persons who enter the building and vandalize the drums and other containers could release the hazardous materials. These materials, in their current condition or if spilled, would pose a risk to any human trespassers or animals entering the building. Such persons are liable to receive harmful exposures through accidental contact with hazardous substances. Exposure to volatile organic compounds (solvent fumes) may cause irritation to the respiratory system, nausea, and dizziness.

b) Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;

Many of the drums and containers are in poor condition. During the site assessment on August 11, 1997, newly released materials were noted on the building floor. Located at the facility are containers of various sizes. Many of these containers are unmarked, and all are in various stages of deterioration. Some of the stacked 55-gallon drums have begun to collapse due to the weight of other drums. As the building is abandoned and without power, the containers are subject to seasonal freeze-thaw cycles which would accelerate the rate of decay. Some of the aboveground storage tanks appear to be stainless steel which is valuable as a recycled metal. Any trespassers conducting illegal dumping activity may remove valving or piping and thereby cause a release. Analytical samples collected during the site assessment from the drums, tanks, and small containers indicated hazardous levels of flammable liquids and solutions with pH's below 1. These materials could be detrimental to human health and the environment if the containers ruptured and the contents were released.

c) Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;

Southeast Michigan typically has winter temperatures that are below freezing. Southeast Michigan is also affected by several freeze-thaw cycles during the fall and winter. Drums and other containers stored at the open lot on Filer Street are directly subjected to these seasonal conditions. These factors can be expected to contribute to the further deterioration of the drums, tanks and other containers, substantially increasing the likelihood of a release. Additionally, areas of the roof at the Durako building are deteriorating, many roof leaks are also apparent. Evidence of past spills and poor housekeeping (heavily soiled floors) presents the potential for off-site migration of

contaminants via airborne dust or by mixing of fluids and subsequent erosion by rainwater passing through the building. The deteriorated condition of the building allows rainwater and snow to enter the building during precipitation events.

d) Threat of fire or explosion;

Numerous drums and buckets located throughout the building have been verified to contain flammable liquids. The building is unsecured and a residential community is located nearby. There is a high potential for trespass and vandalism at this site. In the event of an on-site fire, the nearby population would face inhalation, and direct contact threats from the hazardous materials stored within the facility. Additionally, drums and small containers subjected to flame may become heated or pressurized to the point of explosion causing containers to become flaming projectiles. These potential flaming projectiles would subsequently ignite any nearby residential, commercial, or light industrial structures that were struck. A fire of this nature may potentially cause untold damage to nearby populations and structures.

IV. ENDANGERMENT DETERMINATION

The Durako Paint site conditions include unrestricted access and released, uncontrolled hazardous wastes and substances. The threats to human health and the environment at the Durako Paint site which have been analytically confirmed include the presence of corrosives, low flash point, heavy metals (cadmium, chromium, and lead) and solvents such as acetone, methyl ethyl ketone, ethyl benzene, toluene and xylenes. The potential exposure pathways to nearby populations and the environment as described in Sections II and III above are magnified because there is unrestricted access to the site. The actual or threatened release of hazardous substances from this site, if not addressed by implementing the response actions selected in this Action Memorandum, presents an imminent and substantial endangerment to public health, welfare, and the environment.

V. EMERGENCY EXEMPTION FOR STATUTORY LIMITS

Section 104(c)(1) of CERCLA as amended by SARA, limits Federal emergency response to \$2 million unless three criteria are met. The quantities and levels of hazardous substances found at the Durako Paint site warrant the \$2 million exemption request based on the following factors:

- 1) There is an immediate risk to public health or welfare or the environment;

Approximately 3,000 drums of paint related materials have been documented at the Durako Paint site. Numerous drums and small containers are unlabeled, some have begun leaking, and others are in deteriorated condition. These materials present a significant fire and explosion hazard; if the removal action is not conducted, the eventuality of a fire or explosion is highly likely. The occurrence of a fire at the site would endanger untold number of lives and property due to the surrounding neighborhood.

- 2) Continued response actions are immediately required to prevent, limit, or mitigate an emergency;

As stated above, a significant threat to human health and the environment is present at the Durako Paint site. As fall turns to winter, seasonal changes in weather will present extreme conditions that will contribute to the deterioration of containers at the site. The deteriorating condition of the drums and small containers and the compact storage conditions may create a detrimental release of volatile organic compounds (VOCs) in the event of a fire or explosion. The deteriorating condition of the building may potentially lead to damage of the containers and also cause a significant release of VOCs that could affect the surrounding community. This serious situation can only be resolved by removing and properly disposing of all hazardous substances and wastes at the Durako Paint site. No other agency is presently capable of the expeditious action necessary to separate the contaminants and the residents.

- 3) Assistance will not otherwise be provided on a timely basis;

Please see the attached Confidential Enforcement Addendum for discussion of the Potentially Responsible Party (PRP) status. There are no state or local entities with sufficient resources to accomplish the required removal completion activities.

VI. PROPOSED ACTIONS AND ESTIMATED COSTS

There are obvious time-critical elements present at the Durako Paint site. The hazardous wastes and substances near a residential area in an unsecured site with signs of public trespass must be immediately addressed.

The OSC specifically proposes to undertake the following actions to mitigate threats posed by the presence of hazardous wastes at the Durako Paint site:

- 1) Develop and implement a site-specific work plan including a proposed time line;
- 2) Develop and implement a site-specific health and safety plan;
- 3) Provide site security measures which may include, but not be limited to, security guard service, fencing, and window board-up services;
- 4) Secure, stage, sample, and characterize all site wastes in drums, tanks, pits, sumps, piping, and other containers;
- 5) Overpack and secure leaking and deteriorated drums and containers;
- 6) Conduct compatibility testing on liquids, sludges, solids, and other hazardous wastes and substances.
- 7) Bulk and consolidate wastes in preparation for off-site disposal;
- 8) Decontaminate building walls and floors and sample to verify that the structure(s) has been cleaned to acceptable levels;
- 9) Decontaminate and/or dispose/recycle of all scrap metal and other debris, as appropriate;
- 10) Transport and dispose of all hazardous wastes, pollutants, and contaminants at an EPA-approved disposal facility in accordance with the U.S. EPA Off-Site Rule, 40 CFR § 300.440;
- 11) Excavate contaminated soils and debris and transport off-site to an EPA-approved disposal facility;

The removal action will be taken in a manner not inconsistent with the National Contingency Plan (NCP). The OSC has initiated planning for provision of post-removal site control, consistent with the provisions of Section 300.415(1) of the NCP. Elimination of all surface threats is, however, expected to minimize the need for post-removal site control.

All hazardous substances, pollutants or contaminants removed off site pursuant to this removal action for treatment, storage or

disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, 40 CFR § 300.440, 58 Federal Register 49215 (Sept. 22, 1993).

The response actions described in this memorandum directly address actual or threatened releases of hazardous substances, pollutants, or contaminants at the site which may pose an imminent and substantial endangerment to public health and safety and to the environment. These response actions do not impose a burden on the affected property disproportionate to the extent to which that property contributes to the conditions being addressed.

The estimated costs to complete the above activities are summarized below. These activities will require an estimated 120 on-site working days to complete. Detailed cleanup contractor costs are presented in Attachment 1.

REMOVAL PROJECT CEILING ESTIMATE

EXTRAMURAL COSTS:

Cleanup Contractor Costs	\$1,800,000
Contingency (15%)	<u>270,000</u>
Subtotal	\$2,070,000
Total START	160,000
USCG/AST	<u>60,000</u>
Extramural Subtotal	\$2,290,000
Extramural Contingency (20%)	<u>458,000</u>
TOTAL, EXTRAMURAL COSTS	\$2,748,000

INTRAMURAL COSTS:

U.S. EPA Direct Costs (\$30/hr x 1,440 Regional hrs plus 144 HQ hrs)	\$ 47,520
U.S. EPA Indirect Costs (\$65 x 1,440 hours)	<u>93,600</u>
TOTAL, INTRAMURAL COSTS	\$ 141,120
	=====
TOTAL REMOVAL PROJECT CEILING ESTIMATE	\$2,889,120

All applicable or relevant and appropriate requirements (ARARs) of Federal and State law will be complied with to the extent practicable. A letter dated July 21, 1997, was sent to Ray Spaulding of the MDEQ requesting that he identify State ARARs. A response was received dated August 6, 1997, and will be complied with to the extent practicable.

VII. EXPECTED CHANGE IN THE SITUATION SHOULD ACTION BE DELAYED OR NOT TAKEN

Delayed or non-action may result in an increased likelihood of direct contact threat to human or wildlife populations accessing the site. Additionally, the large amount of flammable materials present on site provides an ample fuel source to any fire that may start.

VIII. OUTSTANDING POLICY ISSUES

There are no outstanding policy issues associated with this site.

IX. ENFORCEMENT

For administrative purposes, information concerning the enforcement strategy for this site is contained in an Enforcement Confidential Addendum.

X. RECOMMENDATION

This decision document represents the selected removal action for the Durako Paint site in Detroit, Wayne County, Michigan, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the information in the Administrative Record for the site. Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed removal action. The total project ceiling, if approved, will be \$2,889,120. Of this, an estimated \$2,528,000 may be used for extramural cleanup contractor costs. You may indicate your decision by signing below.

APPROVE: _____

David A. Ullrich
David A. Ullrich
Acting Regional Administrator

DATE: _____

9/19/97

DISAPPROVE: _____

David A. Ullrich
Acting Regional Administrator

DATE: _____

Enforcement Addendum**Attachments:**

1. Detailed Cleanup Contractor Estimate
2. Administrative Record Index

cc: K. Mould, U.S. EPA, 5202-G
A. Howard, MDEQ, w/o Enf. Addendum
D. Henne, U.S. DOI, w/o Enf. Addendum

PAGE 11
BCC: BLIND CARBON COPY LIST
1 PAGE

REDACTED

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ENFORCEMENT CONFIDENTIAL ADDENDUM
DURAKO PAINT SITE
SEPTEMBER 1997
1 PAGE

REDACTED

NOT RELEVANT TO THE SELECTION OF THE REMOVAL ACTION

ATTACHMENT 1

DETAILED CLEANUP CONTRACTOR ESTIMATE
DURAKO PAINT SITE
DETROIT, WAYNE COUNTY, MICHIGAN
SEPTEMBER 1997

Personnel and Equipment	\$ 750,000
Materials	130,000
Sampling and Analysis	15,000
Transportation and Disposal	<u>905,000</u>
TOTAL	\$1,800,000

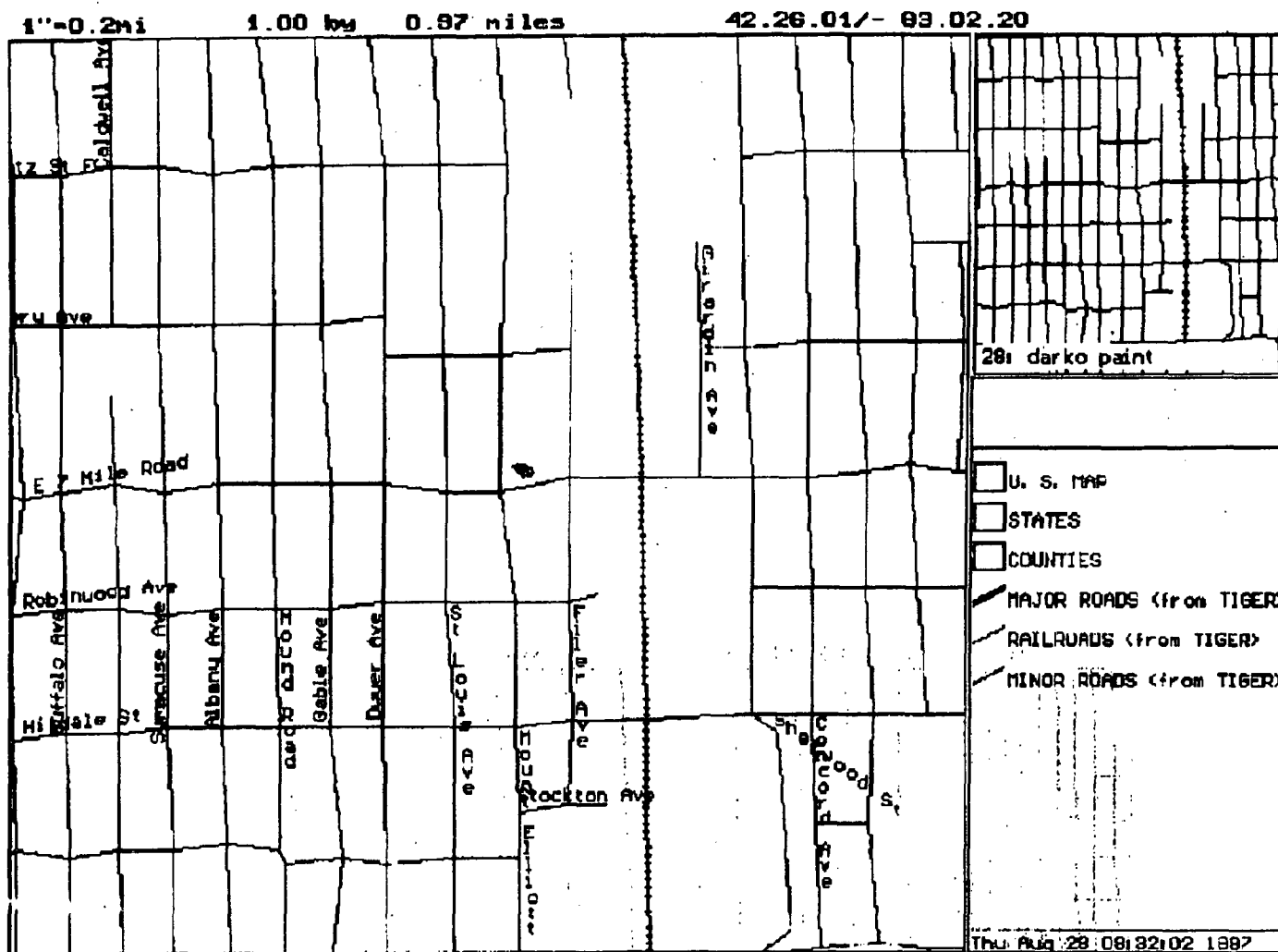
ATTACHMENT 2

U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTIONADMINISTRATIVE RECORD
FOR
DURAKO PAINT COMPANY SITE
DETROIT, WAYNE COUNTY, MICHIGANORIGINAL
SEPTEMBER 11, 1997

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	06/07/93	Mbamah, D., MDNR	Weed, R., Durako Paint Company	Warning Letter re: May 27, 1993 MDNR Inspection at the Durako Paint Site	2
2	10/27/93	Mbamah, D., MDNR	Weed, R., Durako Paint Company	Second Letter of Warning re: May 27, 1993 MDNR Inspection of the Durako Paint Site	2
3	06/25/97	Spaulding, R., MDEQ/ERD	MDEQ	Activity Report re: Inspection of the Durako Paint & Color Corporation Site	1
4	07/09/97	Spaulding, R., MDEQ	El-Zein, J., U.S. EPA	Letter re: MDEQ's Request for U.S. EPA Assistance at the Durako Paint & Color Corporation Site	1
5	07/21/97	Hudak, G., U.S. EPA	Spaulding, R., MDEQ	Letter re: U.S. EPA's Request for Michigan ARARs for the Durako Paint Site	1
6	00/00/00	Ecology & Environment, Inc.	U.S. EPA	Site Assessment Report (PENDING)	
7	00/00/00	Anderson, D., U.S. EPA	Ullrich, D., U.S. EPA	Action Memorandum: Request for Approval to Initiate a Removal Action and to Obtain an Exemp- tion to the \$2 Million Statutory Limit for the Durako Paint Site (PENDING)	

POPULATION SUMMARY

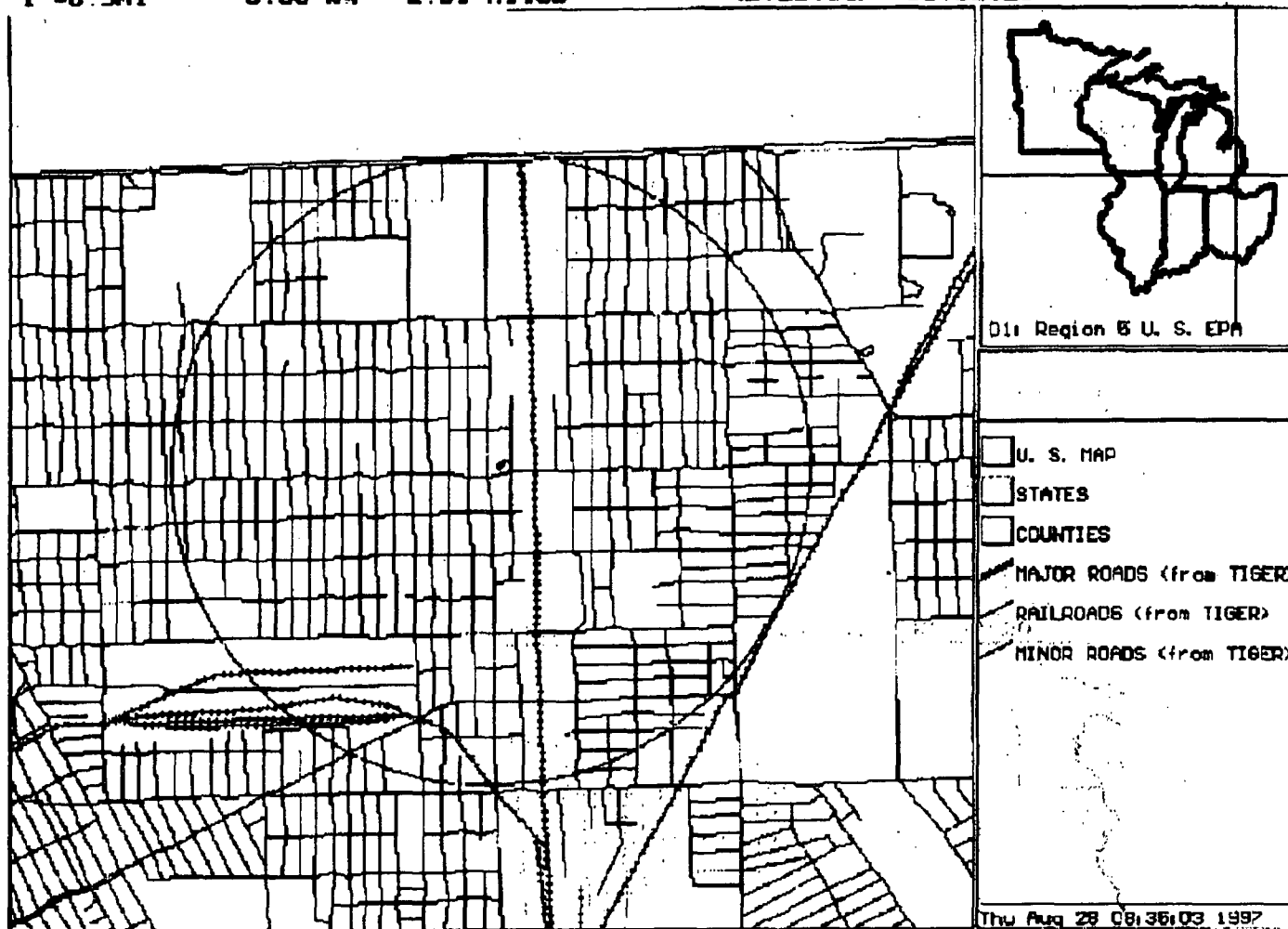
LOCATION	:	1.0 mi. radius at	42.433863, -83.038973
# BLOCK GROUPS INCLUDED	:		30
NUMBER OF PERSONS	:		21839
NUMBER OF FAMILIES	:		5495
NUMBER OF HOUSEHOLDS	:		7487
MEDIAN (EST.) HOUSEHOLD INCOME	:		21820
AGE 0 THRU 4	:		1949
AGE 5 THRU 9	:		1830
AGE 10 THRU 19	:		3760
AGE 20 THRU 49	:		9015
AGE 50 THRU 64	:		2535
AGE 65 AND OVER	:		2750
WHITE	:		4795
BLACK	:		16744
INDIAN	:		66
ASIAN	:		158
OTHER RACE	:		76
HISPANIC	:		178
OWNER OCCUPIED	:		5233
RENTER OCCUPIED	:		2254
PERCENT AGE 0 THRU 4	:		8.9
PERCENT AGE 5 THRU 9	:		8.4
PERCENT AGE 10 THRU 19	:		17.2
PERCENT AGE 20 THRU 49	:		41.3
PERCENT AGE 50 THRU 64	:		11.6
PERCENT AGE 65 AND OVER	:		12.6
PERCENT WHITE	:		22.0
PERCENT BLACK	:		76.7
PERCENT INDIAN	:		0.3
PERCENT ASIAN	:		0.7
PERCENT HISPANIC	:		0.8
PERCENT OTHER RACE	:		0.3
PERCENT OWNER OCCUPIED	:		69.9
PERCENT RENTER OCCUPIED	:		30.1



1"=0.5mi

3.00 km 2.01 miles

42.26.01/- 83.02.20



Radius = 1 Mile

Independent Government Cost Estimate

DURAKO PAINT SITE
DETROIT, WAYNE COUNTY, MICHIGAN
SEPTEMBER 1997

Personnel & Equipment	\$750,000
Materials	130,000
Sampling and Analysis	15,000
Transportation and Disposal	905,000
	=====
	\$1,800,000

Assumption: Personnel & Equipment are \$6,250/day X120 days = \$750,000. Personnel include 1 Response Manager, 1 Foreman, 3 Equipment Operators and 6 Technicians. Equipment includes 2 office trailers, 1 decontamination trailer, 1 trackhoe, and 2 bobcats.

Assumption: Materials include 55-gallon drums and 85-gallon overpack drums (\$15,000), and disposable personal protective equipment (\$115,000).

Assumption: Sampling and analysis includes subcontract lab work to properly identify waste streams and appropriate waste codes for purposes of off-site disposal. Anticipated waste streams include flammable liquids, decon water, hazardous debris, and non-hazardous debris. Up to 10 waste streams X \$1,500 analysis = \$15,000.

Assumption: Transportation and Disposal include approximately 1,000 drums of flammable solids (\$277 each), 1,000 drums of flammable liquids (\$300 each), approximately 59,000 gallons of bulk flammable liquid (\$0.85/gallon), 50 loads hazardous debris (\$4,000 each), 10 loads non-hazardous debris (\$1,000 each), general transportation costs (\$65,000), decon water (\$3,000)